

REMARKS / ARGUMENTS

A. GENERALLY

Reconsideration of this application is hereby requested. Claims 12-15, 17-20, 22, 24, 25, 34-36, 38, 47, 50, and 58-66 are currently pending in the application. Claim 50 has been amended. Claims 10-11 have been canceled. Claims 12-15, 17-20, 22, 24, 25, 34-36, 38, 47, 50, and 58-66 have been allowed subject to the cancellation of claims 10 and 11 and the amendment of claim 50 so as to remove the dependency from canceled claim 11.

The required cancellations and amendment have been made thus placing the claims in condition for allowance.

B. INTERFERENCE

Applicant herein submits a Supplemental Request for Interference pursuant to 37 CFR 41.202. The Supplemental Request for Interference reflects updates to the prior request to address issues raised by the examiner in the Office Action dated August 6, 2007 and the amendment of the claims.

In particular, Applicant has revised its previously submitted Request for Interference as follows:

- References to the canceled claims have been eliminated.
- The correspondence of the counts to the claims of the present application and to the patents that interfere with the claims of the present application has been presented in table form.
- A revised chart showing why the claims of the present application and the cited patents interfere has been included.
- For counts that are expressed in “means” form, the correspondence tables include citations to the disclosures that support the “means” elements of the claims.
- A chart is included that clearly establishes support for the claims of the present application through the priority chain claimed by Applicant.

The office action asserts that: “As counts must be patentably distinct, it is not clear how the same claims define two patentably distinct inventions. Both the chart and write up appear to be in error.” (Office Action, pp. 2-3.) Applicant respectfully disagrees with this assertion. According to the MPEP 2301.03 (8th Ed; Rev. 4):

When an interference is declared, there is a description of the interfering subject matter, which is called a "count." Claim correspondence identifies claims that would no longer be allowable or patentable to a party if it loses the priority determination for the count. To determine whether a claim corresponds to a count, the subject matter of the count is assumed to be prior art to the party. If the count would have anticipated or supported an obviousness determination against the claim, then the claim corresponds to the count. 37 CFR 41.207(b)(2). Every count must have at least one corresponding claim for each party, but it is possible for a claim to correspond to more than one count. (Emphasis added by underlining.)

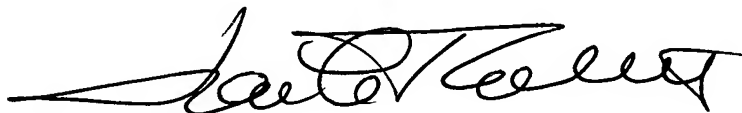
Further, 37 CFR 41.202(a)(2) requires an applicant seeking to provoke an interference to propose "one or more counts and show how the claims correspond to one or more counts." While counts are directed to patentably distinct subject matter, counts themselves do not have to be patentable. Applicant respectfully submits that neither the rules nor the MPEP precludes a claim from corresponding to more than one proposed count.

C. CONCLUSION

For the above reasons, Applicant respectfully requests reconsideration of the stated rejections and submits that it is appropriate for the Examiner to declare an interference between the present application and U.S. Patent 6,233,484, U.S. Patent, 6,330,476, and U.S. Patent 6,317,631.

Should any further questions arise concerning this application or in the event that the above amendments do not place the application in condition for allowance, Applicant respectfully requests a telephone interview. Attorney for the Applicant may be reached at the number listed below.

Respectfully Submitted,



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